

REMARKS

Claims 1-16, 18-36, 38 and 39 are pending in the application.

Claims 1-16, 18-36, 38 and 39 have been rejected.

Claim 11, 16, and 21-23 have been amended.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 1-16, 18-36, 38, and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,070,177 issued to Kao et al., (“Kao”) in view of U.S. Patent 7,127,448 issued to Wong (“Wong”). Applicants respectfully traverse this rejection. In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

Applicants respectfully submit that the proposed combination of Kao and Wong fails to teach or suggest all of the limitations recited in claim 1. For example, Applicants respectfully submit that the proposed combination of Kao and Wong fails to teach or suggest excluding one or more operations of the plurality of operations from auditing. The Office Action admits that Kao fails to disclose this feature. Office Action, p. 4. The Office Action cites the following portion of Wong’s claim 16 as purportedly supplying this missing disclosure:

selectively auditing an access to the relational database based on an auditing condition, wherein the auditing condition for the selective auditing specifies a condition based on a value of a field in a row in the relational database; processing the database operation to produce a database operation result, wherein processing the database operation includes: creating audit records only for selected rows in the relational

database that are accessed by the database operation and that satisfy the auditing condition, and recording the audit records in an audit record store;

Wong 8:20-30 (cited at Office Action, p. 4). Applicants respectfully note that the cited passage fails to make any mention of excluding one or more operations from auditing. Instead, the cited portion of Wong teaches excluding rows which fail to satisfy an auditing condition that is based on the value of a field in the row. Applicants respectfully submit that excluding a row from auditing is not comparable to excluding an operation of a plurality of operations from auditing. Wong's exclusion of a row is completely independent of the operations which are, or have been performed, upon the row. Any operation performed on the row will still be audited if the value in the field being monitored satisfies an auditing condition.

The Office Action states that one would be motivated to combine Kao and Wong as proposed to "save processing time and power by only auditing requested operations and because such step is subjective." Office Action, p. 4. As noted, Wong does not disclose excluding operations from auditing. Instead, Wong discloses excluding rows in a relational database from auditing based on the value of a field in the row. Wong 8:20-30. Further, Applicants respectfully submit that one of ordinary skill would not be motivated to attempt to combine Kao and Wong, at least because Kao discloses a system where the database forms being audited are specifically tailored. See Kao 1:32-34. The forms are created to allow users to "view the transmission or modification history of a particular data set or form." Kao 1:65-66. Thus, it would not make sense to exclude rows of data, as in Wong, from a form which has been specifically created to audit a particular set of data, as in Kao.

Even if one did make an ill-advised attempt to combine Kao and Wong, the proposed combination would not disclose the feature recited in claim 1 of excluding one or more operations of a plurality of operations from auditing. At best, the proposed combination would teach excluding one or more fields of a database form from auditing.

Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to claim 1 and an indication of the allowability of same. The arguments made above with reference to independent claim 1 apply with equal force to

independent claims 14 and 24 in light of the substantial similarity of the claim limitations. Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of the rejections to independent claims 14 and 24 and claims 2-13, 15, 16, 18-23, 25-36, 38 and 39, which depend therefrom.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5092.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicants hereby petition for such extensions. Applicants also hereby authorize that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



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